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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,565	03/28/2001	Hajime Amano	109102	2851
25944	7590	04/06/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			KIM, PAUL D	
			ART UNIT	PAPER NUMBER
			3729	

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/818,565

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Hajime Amano

109102

EXAMINER
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KIM, PAUL D

OLIFF & BERRIDGE, PLC  
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ALEXANDRIA, VA 22320

ART UNIT	PAPER
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20040401

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Commissioner for Patents

### DETAILED ACTION

1. The reply filed on 1/29/2004 is not fully responsive to the prior Office Action, Election of Species Requirement in Paper No. 6.
2. Applicants fail to response to the prior office action to the restriction requirement by a provisional election on 1/29/2004.
3. An argument is that the election of species requirement is not appropriated and all claims are related each other. Examiner explains to the applicants as set forth in Paper No. 6.
4. The applicant argues that the subject matter of all species sufficiently related that a through search for the subject matter of any one species would encompass a search for the subject matter of the retaining species. The examiner maintains the election of species requirement. According to the invention, Species A shown in FIG. 1, the first ferromagnetic film constituting the free layer, the electrically conductive film and the second ferromagnetic film constituting the pinned layer, and Species B shown in FIG. 2, the first ferromagnetic film constituting the pinned layer, the electrically conductive film and the second ferromagnetic film constituting the free layer.
5. Even though applicant provisionally elects Species B, claims 13-24 and 26, Species B with traverse contains claims directed to the following patentably distinct species as set forth in Paper No. 6.
6. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid

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abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D Kim whose telephone number is 703-308-8356. The examiner can normally be reached on Tuesday-Friday between 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pdk



**A. DEXTER TUGBANG**  
**PRIMARY EXAMINER**